

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 589

S.P. 273

In Senate, February 25, 2025

**An Act to Make Agricultural Workers and Other Related Workers
Employees Under the Wage and Hour Laws**

Received by the Secretary of the Senate on February 19, 2025. Referred to the Committee on Labor pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator TALBOT ROSS of Cumberland.
Cosponsored by Representative ROEDER of Bangor and
Senators: BENNETT of Oxford, CURRY of Waldo, President DAUGHTRY of Cumberland,
HICKMAN of Kennebec, ROTUNDO of Androscoggin, TIPPING of Penobscot,
Representatives: Speaker FECTEAU of Biddeford, GERE of Kennebunkport.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 26 MRSA §603, sub-§3, ¶D**, as amended by PL 2007, c. 640, §1, is further
3 amended to read:

4 D. An individual exempt from the definition of employee in section 663, subsection
5 3, paragraph A, C, F, G, I or J;

6 **Sec. 2. 26 MRSA §603, sub-§3, ¶F**, as enacted by PL 1999, c. 750, §1, is repealed.

7 **Sec. 3. 26 MRSA §663, sub-§3, ¶A**, as amended by PL 1975, c. 717, §5, is
8 repealed.

9 **Sec. 4. 26 MRSA §664, sub-§3, ¶F**, as amended by PL 2019, c. 387, §1, is
10 repealed.

11 **Sec. 5. 26 MRSA §664, sub-§3-A** is enacted to read:

12 **3-A. Overtime rate for individuals employed in agriculture.** Notwithstanding any
13 provision of subsection 3 to the contrary, an employer may not require an individual
14 employed in agriculture as defined in the Employment Security Law and the Federal
15 Unemployment Tax Act or an individual employed in certain activities related to
16 agriculture to work more than 40 hours in any one week unless the hourly rate specified in
17 this subsection is paid for all hours actually worked in excess of 40 hours in that week. The
18 regular hourly rate includes all earnings, bonuses, commissions and other compensation
19 that is paid or due based on actual work performed and does not include any sums excluded
20 from the definition of "regular rate" under the federal Fair Labor Standards Act of 1938,
21 29 United States Code, Section 207(e).

22 A. Beginning January 1, 2026, an individual employed in agriculture or an individual
23 employed in certain activities related to agriculture may not be required by an employer
24 to work more than 40 hours in any one week unless 1 1/2 times the regular hourly rate
25 is paid for all hours actually worked in excess of 50 hours in that week.

26 This paragraph is repealed January 1, 2027.

27 B. Beginning January 1, 2027, an individual employed in agriculture or an individual
28 employed in certain activities related to agriculture may not be required by an employer
29 to work more than 40 hours in any one week unless 1 1/2 times the regular hourly rate
30 is paid for all hours actually worked in excess of 45 hours in that week.

31 This paragraph is repealed January 1, 2028.

32 C. Beginning January 1, 2028, an individual employed in agriculture or an individual
33 employed in certain activities related to agriculture may not be required by an employer
34 to work more than 40 hours in any one week unless 1 1/2 times the regular hourly rate
35 is paid for all hours actually worked in excess of 40 hours in that week.

36 For the purposes of this subsection, "certain activities related to agriculture" means the
37 canning; processing; preserving; freezing; drying; marketing; storing; packing for
38 shipment; or distributing of agricultural produce; meat and fish products; and perishable
39 foods.

40 **Sec. 6. Effective date.** This Act takes effect January 1, 2026.

1 **SUMMARY**

2 This bill provides that agricultural employees and seasonal farm employees are subject
3 to the laws that place limits on mandatory overtime. It also provides that agricultural
4 employees are subject to the laws that set a minimum wage and overtime rate. It provides
5 that the laws that set an overtime rate apply to certain activities related to agricultural
6 produce, meat and fish products and perishable foods. The bill phases in overtime pay for
7 individuals employed in agriculture and certain activities related to agriculture.